

224



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,668	06/20/2001	Graham Stead	2506-006	6366

7590 11/30/2004
Roberts Abokhair & Mardula, LLC
Suite 1000
11800 Sunrise Valley Drive
Reston, VA 20191

EXAMINER
PATEL, NIKETA I

ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,668

Applicant(s)

STEAD ET AL.

Examiner

Niketa I. Patel

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/3/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 05/03/2002 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the document number 00/04730 is missing page number eight. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Drawings

2. Figures 1 to 6 should be designated by a legend such as -- Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing

Art Unit: 2182

figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

4. The applicant is kindly requested to update the status of the application numbers listed on page 18 at paragraph number eighty-nine.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2182

6. Claims 1, 4-17, 19, 22-34 and 36-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Smethers U.S. Patent Application Publication number: US 2003/0055870 A1, hereinafter '*Smethers*'.

7. **Referring to claims 1, 19,** *Smethers* teaches a system and a method for interconnecting an intelligent device with a remote element [see figure 2];, the system comprising: a manager module adapted for communication with the intelligent device [see figure 3, element 340 and paragraphs 40, 42, 50, 54, 63, 64]; and at least one tail module [see figure 3, element 348, 308 and paragraphs 40, 42, 50, 54, 63, 64] interfaced with the manager module according to an application program interface [see figure 3, element 300 and paragraphs 40, 42, 50, 54, 63, 64], and interfaced to the remote element [see figure 3, element 352 and paragraphs 40, 42, 50, 54, 63, 64]; wherein the manager module and the tail module provide interconnection of the intelligent device to the remote element when the intelligent device is in communication with the manager module [see figure 3, elements 352, 300, 310 and paragraphs 40, 42, 50, 54, 63, 64.]

8. **Referring to claims 4, 22,** *Smethers* teaches a system and a method wherein the intelligent device is interconnected to the remote element without using an application in the intelligent

Art Unit: 2182

device to interface the intelligent device to a communications protocol of the remote network [see paragraph 40.]

9. **Referring to claim 5**, *Smethers* teaches a system and a method wherein the tail module comprises a client that interfaces to the remote element [see figure 3, element 348, 308.]

10. **Referring to claims 6, 23**, *Smethers* teaches a system and a method wherein only a single tail module is utilized to effect interconnection of the intelligent device to the remote element [see paragraph 40.]

11. **Referring to claims 7, 24**, *Smethers* teaches a system and a method wherein plural tail modules are utilized to effect interconnection of the intelligent device to the remote element [see paragraph 39, different protocols.]

12. **Referring to claims 8, 25**, *Smethers* teaches a system and a method wherein a first one of the at least one tail modules is utilized to effect interconnection of the intelligent device to the remote element, and wherein a second one of the at least one tail modules is utilized to effect interconnection of the intelligent device to a second remote element [see paragraph 39 and figure 1, elements 128, 124.]

13. **Referring to claims 9, 26**, *Smethers* teaches a system and a method wherein the tail module is utilized to effect

Art Unit: 2182

interconnection of the intelligent device to the remote element, as well as a second remote element [see paragraph 40 and figure 2, elements 270, 280.]

14. **Referring to claims 10, 27,** *Smethers* teaches a system and a method wherein the remote element comprises a network [see figure 2, element 260.]

15. **Referring to claims 11, 28,** *Smethers* teaches a system and a method wherein the manager module is adapted for communication with the intelligent device via a network [see figure 2, element 250.]

16. **Referring to claims 12, 29,** *Smethers* teaches a system and a method wherein the manager module is adapted for communication with the intelligent device via a wired network [see figure 2.]

17. **Referring to claims 13, 30,** *Smethers* teaches a system and a method wherein the remote element comprises a database [see paragraph 54.]

18. **Referring to claims 14, 31,** *Smethers* teaches a system and a method wherein the remote element comprises a special application [see paragraph 57, PC being able to create and delete bookmarks.]

19. **Referring to claims 15, 32,** *Smethers* teaches a system and a method wherein the manager module is configured with a list of users, a list of files, and privilege designation so as to

Art Unit: 2182

establish a virtual local area network [see figure 3, element 320, 316 and paragraph 63.]

20. **Referring to claims 16, 33,** *Smethers* teaches a system and a method wherein the at least one tail module is configured with a list of users, a list of files, and privilege designation so as to establish a virtual local area network [see figure 3, element 320, 316 and paragraph 63.]

21. **Referring to claims 17, 34,** *Smethers* teaches a system and a method the system further comprising: a notification interface connected to the tail so as to provide for transmission of a notification from the tail to the intelligent device [see figure, element and column, lines.]

22. **Referring to claim 36,** *Smethers* teaches a method for effecting electronic commerce via an intelligent device interconnected with a remote network, the method comprising: causing the intelligent device to be in communication with a manager module adapted for communication with the intelligent device [see figure 3 and paragraphs 40, 42, 50, 54, 63, 64]; establishing interconnection of the intelligent device to the network via the manager module interfaced with a tail module according to an application program interface, the tail module being interfaced with the network [see figure 3, element 340 and paragraphs 40, 42, 50, 54, 63, 64]; establishing communication

Art Unit: 2182

between the intelligent device and a server connected to the network [see figure 3, element 340 and paragraphs 40, 42, 50, 54, 63, 64]; and identifying an item on the server using the intelligent device in communication with the server via the interconnection of the intelligent device to the network provided via the manager module and the tail module [see figure 3, element 340 and paragraphs 40, 42, 50, 54, 63, 64.]

23. **Referring to claim 37**, *Smethers* teaches the method further comprising: requesting fulfillment of the item to a destination via the network in exchange for consideration [see figure 3, element 340 and paragraphs 40, 42, 50, 54, 63, 64.]

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

25. Claims 18 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Smethers* U.S. Patent Application Publication number: US 2003/0055870 A1 (hereinafter '*Smethers*'.)

Art Unit: 2182

26. **Referring to claims 18, 35,** *Smethers* teaches a system and a method for using different tail modules to allow an intelligent device to communicate with different remote elements [see paragraph 39 and figure 1, elements 128, 124] however, does not set forth the limitation of wherein the tail module establishes a communication link with another tail module.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of allowing two modules to communicate with each other in order to use both of the modules to establish a communication between an intelligent device and a remote element.

27. Claims 2-3 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Smethers* U.S. Patent Application Publication number: US 2003/0055870 A1 (hereinafter '*Smethers*',) as applied to claims 1 & 19 above and further in view of *Sturniolo et al.* U.S. Patent Application Publication number: US 2003/0182431 A1 (hereinafter '*Sturniolo*'.)

28. **Referring to claims 2, 20,** *Smethers* teaches a proxy application [see figure 3] however does not set forth the limitation of wherein the manager module comprises a proxy application that maintains a connection to the remote element on

Art Unit: 2182

behalf of the intelligent device in the event that the intelligent device is no longer in communication with the manager module. *Sturniolo* sets forth the above limitations in order to allow a wireless device to freely roam around a given network without having to maintain the data related to a connection [see paragraph 114.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the proxy sever of *Smethers* to be able to maintain a connection to the remote element on behalf of the intelligent device in the event that the intelligent device is no longer in communication with the manager module in order to allow a wireless device to freely roam around a given network without having to maintain the data related to a connection. It is for this reason one of ordinary skill in the art would have been motivated to implement *Smethers's* proxy server with the ability maintain a connection to the remote element on behalf of the intelligent device in the event that the intelligent device is no longer in communication with the manager module in order to allow a wireless device to freely roam around a given network.

29. **Referring to claims 3, 21,** *Smethers* teaches a proxy application [see figure 3] however wherein the tail module

Art Unit: 2182

comprises a proxy application that maintains a connection to the remote element on behalf of the intelligent device in the event that the intelligent device is no longer in communication with the manager module. *Sturniolo* sets forth the above limitations in order to allow a wireless device to freely roam around a given network without having to maintain the data related to a connection [see paragraph 114.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the proxy sever of *Smethers* to be able to maintain a connection to the remote element on behalf of the intelligent device in the event that the intelligent device is no longer in communication with the manager module in order to allow a wireless device to freely roam around a given network without having to maintain the data related to a connection. It is for this reason one of ordinary skill in the art would have been motivated to implement *Smethers's* proxy server with the ability maintain a connection to the remote element on behalf of the intelligent device in the event that the intelligent device is no longer in communication with the manager module in order to allow a wireless device to freely roam around a given network.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents have been made record of to further show the state of the art as it pertains to connecting wireless device to a remote network:

Bhagwat et al. U.S. Patent Number: 6,651,105

Liao et al. U.S. Patent Number: 6,292,833

Lee et al. U.S. Patent Number: 6,535,493

Feder et al. U.S. Pat. App. Pub. Num.: US 2002/0089958 A1

Hanson et al. U.S. Pat. App. Pub. Num.: US 2003/0120811 A1

Laursen et al. U.S. Pat. App. Pub. Num.: US 2001/0041556 A1


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272 4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2182

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP
11/25/2004



JEFFREY A. GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100